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Via Facsimile

November 28, 2007

Honorable Colleen McMahon
500 Pearl Street, Room 640
New York, New York 10007

Re: Shaw Family Archives, Ltd., et al. v. CMG Worldwide, Inc., et ano., Index No. 05 Civ. 3939

Dear Judge McMahon:

We represent Defendant Marilyn Monroe, LLC ("MMLLC") and respectfully write to advise the Court that (1) in light of the recently enacted California Right of Publicity statute, Defendants hereby withdraw their motion to dismiss count nine of Plaintiffs' Second Amended Complaint, and (2) Plaintiffs also withdraw their motion for a limited stay of discovery of lobbying related documents, as that issue was decided this morning by Magistrate Judge Fox.

As your Honor is aware, Plaintiffs have agreed to withdraw the third through eighth causes of action of their Second Amended Complaint, which challenged (among other things) Defendants' constitutionally protected, lobbying activities. Defendants have agreed to stipulate to such withdrawal so long as it is with prejudice since, as established in MMLLC's moving papers, black letter law requires the dismissal of the subject claims and further Plaintiffs have received ample discovery in this matter and should be prepared to go forward with the subject claims if there is any merit to them.

Accordingly, for the reasons set forth in MMLLC's moving papers, MMLLC respectfully requests that the third through eighth causes of action of Plaintiffs' Second Amended Complaint be dismissed with prejudice.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Paula K. Colbath", written over a horizontal line.

Paula K. Colbath

cc: Christopher Serbagi, Esq. (via email)
Theodore J. Minch, Esq. (via email)